

REMARKS

Claims 1 – 7 are pending in the instant patent application. Claims 8 and 9 have been added to more particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Support for new independent claims 8 and 9 may be found in Figs. 1 and 2 and at page 3, line 15 through page 7, line 26 of the applicant's specification. Therefore, no new matter has been added. After entry of the amendments, the pending claims will be claims 1 – 9.

The Office Action has rejected claims 1 – 7 under 35 U.S.C. §112, 2nd ¶ as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, dependent claims 3 – 7 have been amended to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 1 has also been amended to comply with the Office Action. In addition, claim 1 has been amended to further clarify the distinction between the central application server program located at the central site and the one or more wireless application server programs that are downloaded to the remote site computer. The above-mentioned amendments are not intended to limit the scope of the amended claims for doctrine of equivalence purposes. In particular, the use of the term "remote" is not intended to limit the scope of the term to that defined in U.S. Patent No. 6,052,600 issued to Fette et al. (Fette).

Applicants respectfully submit that the rejection under 35 U.S.C. §112, 2nd ¶ has been overcome and respectfully request that the rejection be withdrawn.

The Office Action has rejected claims 1 – 7 under 35 U.S.C. § 102(b) as being anticipated by Fette. Specifically, the Office Action refers to fig.1, ref.110 of Fette as disclosing a remote wireless application server. The Office Action further refers to col.4, lines 25-44 of Fette as disclosing the central application server program being further configured to cause the one or more remote application server computers to download and to install one or more wireless application software components on the one or more remote wireless application server computer.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). See also MPEP §2131.

Applicant respectfully submits that the referred passage in Fette does not teach or disclose installing one or more wireless application software components on the one or more remote wireless application server computer. Specifically, col.4, lines 33 – 35 discloses a server that queries the SDC for updates whereupon the SDC services the request by returning the updates to radio via server and base station. No express or inherent description is made of installing the updates on the server as claimed in claim 1 of Applicant's specification.

Applicant respectfully submits that the rejection of independent claim 1 under 35 U.S.C. § 102(b) should be withdrawn because Fette does not disclose each and every element as set forth in claim 1. Applicant respectfully request that the rejection against claim 1 be withdrawn. Furthermore, Applicant respectfully requests that the rejections of dependent claims 2 – 7, which depend, directly or indirectly, from claim 1, be withdrawn because claim 1 is now in condition for allowance.

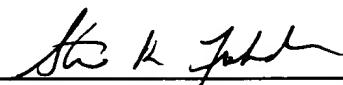
Replacement drawings sheets are included in Exhibit A. The replacement drawing sheets correct hand written notations and copy marks identified by the Office Action. No new matter has been added.

Applicant respectfully requests entry of the foregoing amendments and remarks into the file history of the above-identified application. Applicant believes that each ground for rejection has been successfully overcome and/or obviated, and that all pending claims are in condition for allowance. Withdrawal of the rejections and allowance of the application are respectfully requested.

No additional fee is believed to be due in connection with filing of this amendment. However, if a fee is due, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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